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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenichiro Yasui

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EXAMINER

CHANG, YEAN HSI

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 11/22/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/674,353
Filing Date: October 01, 2003
Appellant(s): YASUI ET AL.

Scott M. Tulino, Esq. Reg. No. 48,317,
Sean M. McGinn, Esq. Reg. No. 34,386.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/23/2006 appealing from the Office action mailed 11/7/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,011,699	Murray et al.	1-2000
6,600,662	Emmert et al.	7-2003

5,400,213	Honda et al.	3-1995
5,335,141	Hosoi	8-1994
4,730,364	Tat-Kee	3-1988

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 13-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray et al. (US 6,011,699).

Murray teaches a foldable electronic device (100, fig. 1) including a first body (102) having a display (346) covered by a screen (204) and a second body (108) having an interface (720) through which a user can operate said electronic device, said first body and said second body being rotatable to each other through a hinge (376), said first body having a first surface (203) facing said second body when said electronic device is folded, said second body having a second surface (740) facing said first body when said electronic device is folded, said interface projecting by a height (height of 722 in fig. 7) from said second surface, said first body comprising a recess (between 352 and 354 in fig. 4) with said first surface, said recess aligning with said interface when said electronic device is folded (shown in figs. 1 and 11), and having a depth equal to or

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greater than said height (shown in fig. 11), and said display and said screen being located within said recess (shown in figs. 5-6 and 11) (claims 1 and 19); wherein said electronic device is a cellular phone (see col. 4, lines 10-11; a radiotelephone is a cellular phone) (claim 2); wherein said recess extends along an entire length of said interface (shown in fig. 11) (claim 13); wherein said interface comprises a plurality of operation keys (1110) being received into said recess (shown in fig. 11) when said electronic device is folded to reduce a space between said first body and said second body (claims 14-15); and wherein said first body comprises at least one second recess (at location 202, shown in fig. 11) (claim 16).

(10) Response to Argument

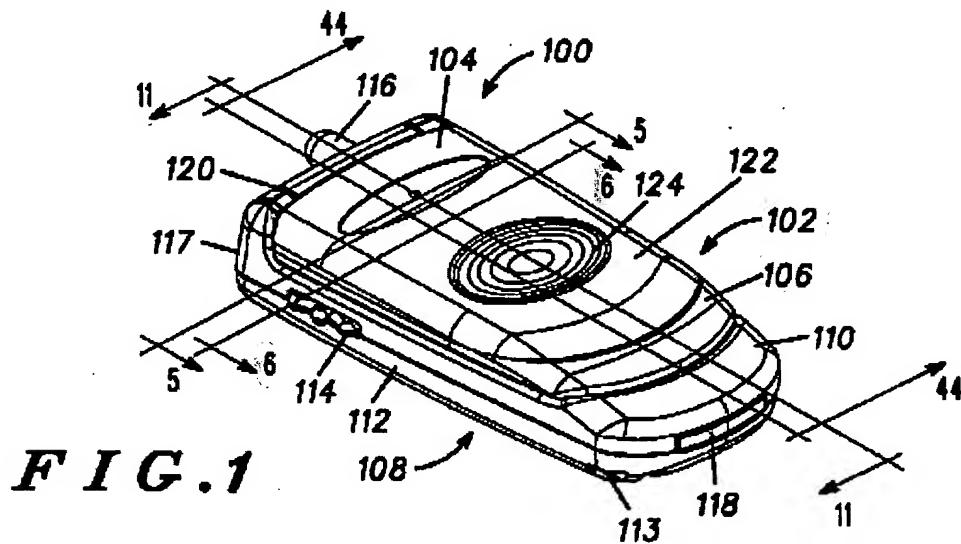
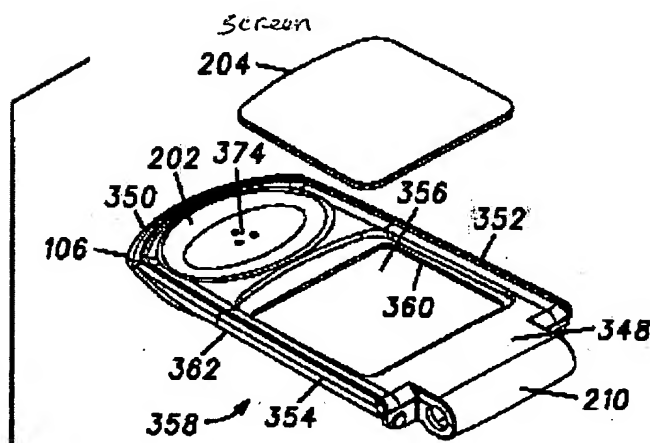
Appellants submit that “the Examiner’s position is flawed as a matter of fact and law because the Examiner has mischaracterized the teachings of Murray and the Examiner has not established that Murray anticipates the claimed invention”, and “The Examiner has failed to establish that Murray anticipates the claimed invention”. These statements are not true. Based on the Grounds of Rejection as stated hereinabove, every word in claims 1 and 19 has been studied, considered and listed in the rejection.

Regarding independent claims 1 and 19, the Appellants argue that “Murray does not teach or suggest ‘said display and said screen being located within said recess’”, “nowhere in these figures (nor anywhere else for that matter) does Murray teach or suggest that the display and the screen are located within the recess”, and “Murray merely teaches that the display (346) is fitted in a recess (see Murray at Figure 11). The

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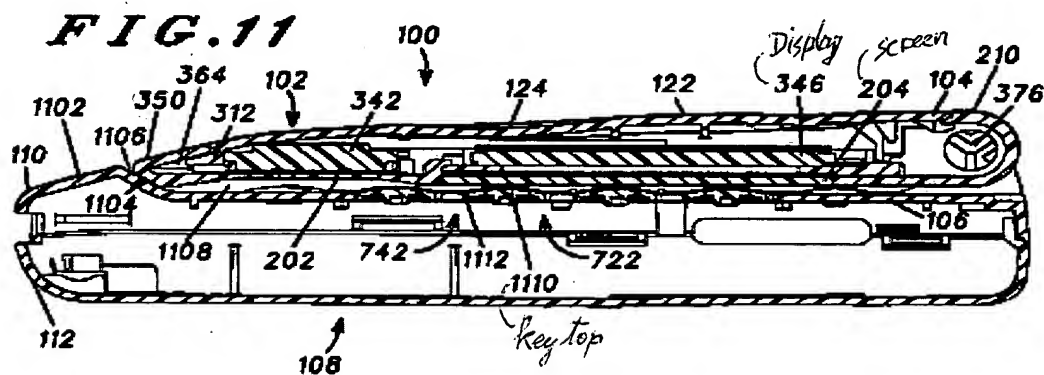
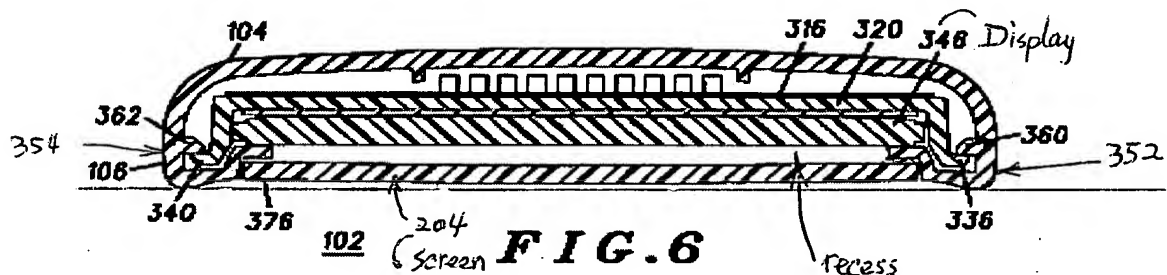
lens (204), which covers the display (346), is not disposed inside of the recess and is not separated from the operation keys (1110) by the recess”.

First of all, “a recess” of the first body 102 of the foldable electronic device 100 of Murray is the space in the area between sides 352 and 354 of the front housing 106 (col. 4, lines 63-64) of first body 102 (col. 4, lines 12-13) as stated in the Grounds of Rejection.

**FIG. 1****FIG. 4**

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Secondly, the locations of sides 352 and 354 of front housing 106 are shown in figs. 1 and 4, the cross-section of sides 352 and 354 is shown in fig. 6, and the recess is marked with yellow shade in fig. 6. It clearly shows that the display 346 and the screen 204 are both located inside the recess and the screen 204 is separated from the operation keys 1110 by the recess as indicated in fig. 11, and stated in col. 9, lines 32-43.

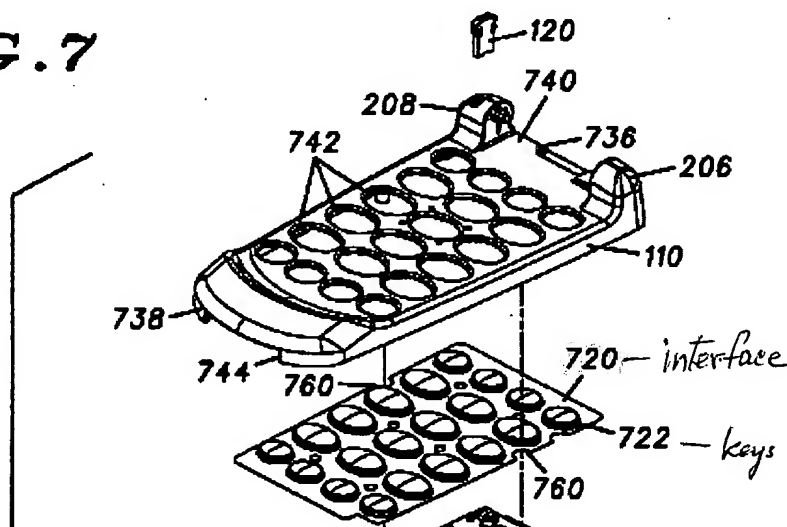


Regarding dependent claims 2 and 13-16, the Appellants argue that "Claim 2 ... recites 'wherein said electronic device comprises a cellular phone'. This feature is not taught or suggested by Murray". As a definition of Cellular phone on the Web: "cellular telephone: a hand-held mobile radiotelephone ... ", a radiotelephone comprises a cellular phone, therefore, the radiotelephone of Murray may be the electronic device

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claimed. Also, as defined by Appellants on lines 14-16, page 1 of the specification, "A foldable cellular phone is comprised generally of an upper body having a display and a speaker, and a lower body having operation keys and a microphone", the radiotelephone of Murray may be called a cellular phone, therefore, Murray anticipates claim 2.

Regarding claims 13 and 20, the Appellants argue that "Claim 13 ... (and similarly claim 20) recites 'wherein said recess extends along an entire length of said interface'. This feature is not taught or suggested by Murray", and "nowhere in these figures (nor anywhere else for that matter) does Murray teach or suggest that the recess extends along an entire length of the interface. Indeed, the recess, in Murray, only extends alone a portion of the interface."

FIG. 7

The recess (between sides 352 and 354 in fig. 4, not the opening 356) of Murray extending from one end 348 of front housing 106 to another end 350 of the front housing 106 as shown in fig. 4, definitely extends along an entire length of the interface 720 (shown in fig. 7) as shown in fig. 11.

Regarding claim 14, the Appellants argue that "Claim 14 ... recites 'wherein said interface comprises a plurality of operation keys'. This feature is not taught or suggested by Murray". Fig. 7 of Murray shows interface 720 including operation keys 722.

Regarding claim 15, the Appellants argue that "Claim 15 ... recites 'wherein said operation keys are received into said recess when said electronic device is folded to reduce a space between said first body and said second body'. This feature is not taught or suggested by Murray". Fig. 11 of Murray shows a portion 1110 of the operation keys 722 being received into the yellow-color-shaded recess when said electronic device is folded to reduce a space between the first body 102 and the second body 108.

Regarding claim 16, the Appellants argue that "Claim 16 ... recites 'wherein said first body comprises at least one second recess'. This feature is not taught or suggested by Murray." Fig. 11 of Murray shows a second recess at a location 202 for receiving element 342.

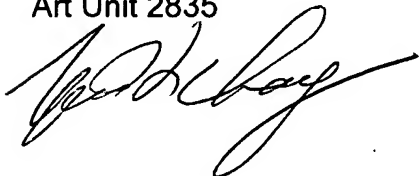
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Yean-Hsi Chang
Primary Examiner
Art Unit 2835



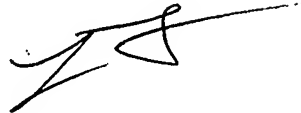
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